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November 8, 2013

Hon. Kimba M. Wood
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: CFTC v. Brooks
13 Civ. 6879 (KMW)

Your Honor:

This letter is jointly submitted to the Court by counsel for plaintiff and defendant in the above matter.

On October 11, 2013, Your Honor entered a Scheduling Order in this case, in which a conference in accordance with Rule 16 was scheduled for December 5, 2013 at 2:00 p.m. Due to the briefing schedule explained below, the purpose of this letter is to ask Your Honor to strike the conference date of December 5, 2013.

Today, Defendant is filing a Motion to Dismiss or For a More Definite Statement, pursuant to Rule 12, Fed. R. Civ. P., or, alternatively, to Transfer Venue pursuant to 28 U.S.C. §1404. Plaintiff has agreed to respond to the motion by December 9, 2013, and Defendant will reply, if at all, by December 23, 2013.

Based on the briefing schedule agreed to by the parties, the currently scheduled conference date of December 5th is premature as Your Honor will not have had an opportunity to rule on Defendant's Motion to Dismiss by that time. For this reason, we respectfully ask that the December 5th date be stricken and the Court set a new date of January 28, 2014 (or as otherwise determined by Your Honor).

The parties have also agreed to confer in accordance with Rule 26(f) on or before January 7, 2014.

Finally, the parties have agreed to mutually stay discovery (except any discovery related

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to the Motion to Dismiss) pending resolution of the Motion to Dismiss.

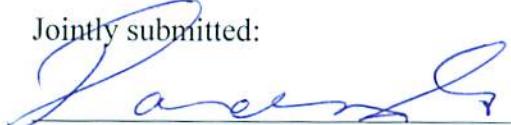
We hope this meets with the Court's approval.

Respectfully submitted,



Richard Reibman, counsel for Defendant

Jointly submitted:



David Acevedo, counsel for CFTC